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Paper No.

Application No.:	09/523,455	Date Mailed:	08/24/2011
	09523455		
First Named Inventor:	Engel, Jorgen,	Examiner:	CARTER, KENDRA D
Attorney Docket No.:	098501-0264671	Art Unit:	1627
Confirmation No.:	5040	Filing Date:	03/10/2000

Please find attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Notice of Non-Compliant Pre-Appeal Brief Request for Review (New Time Period for Filing Brief)	Application No. 09/523,455	Applicant(s) ENGEL ET AL.	
	Examiner /Carter, Kendra/	Art Unit 1617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Pre-Appeal Brief Request for Review filed on 08 August, 2011 is non-compliant for the following reason(s). See *Pre-Appeal Brief Conference Pilot Program*, 1296 *Off. Gaz. Pat. Office* 67 (July 12, 2005). A conference will not be held.

The time period for filing an appeal brief will be reset to be one month from the mailing of this notice, or the balance of the two-month time period running from the receipt of the notice of appeal, whichever is greater. Further, the time period for filing of the appeal brief is extendible under 37 CFR 1.136 based upon the mail date of this notice or the receipt date of the notice of appeal, as applicable.

1. ☒ The Request was not filed concurrently with a proper Notice of Appeal.
2. ☐ The Request does not include accompanying arguments for which the review is being requested.
3. ☐ The arguments accompanying the Request exceed five (5) pages.
4. ☐ The arguments accompanying the Request are directed to petitionable, not appealable, matters.
5. ☐ An after-final or proposed amendment was filed with the Request, or after the filing of the Request but before a panel decision from the pre-appeal brief conference.
6. ☐ The request was filed concurrently with a Request for Continued Examination (RCE).
7. ☐ Other (including any explanation in support of the above items):

_____.

/LaShawn Hinton/